



UNITED STATES PATENT AND TRADEMARK OFFICE

Office

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**JAN 25 2005**

**Director's Office  
Office of Patent Publication**

In re Application of  
PALDUS, BARBARA, et al.  
Application No. 10/086,283  
Filed: February 28, 2002  
Attorney Docket No. 6033-012

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**DECISION ON PETITION**

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent and Trademark Office (USPTO) on November 10, 2004.

The petition is **DISMISSED**.

The application was held abandoned for applicants failure to timely file corrected drawings as required in the Notice of Allowability, mailed May 7, 2004.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition for Withdrawal of Holding of Abandonment."

Applicants petition and request that the Examiner and Drawing Examiner withdraw the holding of abandonment and accept the drawings submitted earlier. And, based upon the Applicant's understanding of the Drawings Examiner's brief Notice of Draftsperson Patent Drawing Review, the Applicants believe the formal drawings submitted earlier should have been acceptable for publication.

Applicant is advised that, where a requirement is made and no petition is filed within the period set forth in 37 CFR §1.181(f) traversing the requirement for corrected drawings made in the Notice of Allowability, petitioner is assumed to have acquiesced to the requirement. Therefore, this application became abandoned for failure to timely file corrected formal drawings or to file a grantable petition traversing the requirement for formal drawings.

The record fails to disclose that petitioner responded in any manner to this notice. Accordingly, this application is properly abandoned for failure to file corrected drawings in response to the Notice of Allowability.

Should applicant be confronted with this situation in the future, applicant may timely reply in writing (see 37 CFR § 1.2) and traverse such a requirement much as was done in the petition. Applicant has the option to contact the Examiner in regards to the Notice of Allowability and the Notice Of Draftsperson's Patent Drawing Review, requesting that he or she, in an Examiner Interview Summary Form or a Supplemental Notice of Allowability, which must be mailed prior to the expiration of the period for reply, upon reconsideration, withdraw any outstanding requirement.

Petitioner should seek relief by the filing a Petition to Revive An Abandoned Application under 37 CFR § 1.137.

■ Under 37 CFR 1.137(a), a petition for the revival of an *unavoidably* abandoned application must include the following:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee set forth in § 1.17(l);
- (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and pursuant to paragraph (d) of this section.

■ Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application must be:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d) required pursuant to paragraph (d) of this section.

Telephone inquires relating to the filing of the Petition under 37 CFR 1.137 should be directed to the Office of Petitions at 703-305-9282 or addressed as follows:

*By mail:*

Mail Stop Petitions  
Commissioner For Patents  
Office Of Petitions  
P O Box 1450  
Alexandria, VA 22313-1450

Telephone inquires relating to this decision may be directed to the undersigned at 703-305-8380.



Thomas Hawkins  
Paralegal Specialist  
Office of the Director  
Office of Patent Publications